

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

**In re: BRIDGESTONE/FIRESTONE, INC.,) Master File No. IP 00-9373-C-B/S
TIRES PRODUCTS LIABILITY LITIGATION) MDL NO. 1373
_____)
THIS DOCUMENT RELATES TO ALL)
ACTIONS)**

ENTRY FOR MAY 31, 2002

The parties appeared, by counsel, this date for a telephonic discovery conference, during which the following was discussed:

1. Firestone reports it still has not received Mr. Pearl's entire file. The plaintiffs state that all of the contents of the file have now been overnighted to Firestone's counsel. Mr. Pearl shall aver in his next monthly affidavit that the index provided to Firestone is complete and that all of the documents in his files relating to these cases, whether in paper or electronic form, have been sent to Firestone's counsel.
2. Firestone further reports that it has not yet received the file of plaintiffs' expert Dick Baumgardner, whose deposition is scheduled for June 5, 2002. Plaintiffs' counsel Victor Diaz states that it is his understanding that the entire file will be shipped to Firestone's counsel by overnight express no later than June 1, 2002.
3. The issue of the protocol for the depositions of expert witnesses who will provide "common deposition testimony" was discussed at length. The plaintiffs fear that the protocol set forth in the Joint Stipulated Order, while sensible in theory, will prove to be unworkable in practice. The magistrate judge determines that the parties should proceed with the protocol to which the parties have stipulated; if it does, in fact, prove to be unworkable after some depositions have been completed, then alternatives may be considered. In addition, if the plaintiffs believe that there

are certain experts who have been improperly characterized as having common testimony, they should raise that issue with the defendants.

4. The issue of establishing deadlines for the second and subsequent “waves” of forum non conveniens cases was discussed. Just as they did for the first wave, the parties shall confer and determine which of the cases that are currently in the second wave should remain there, and which should be moved to the third wave. The parties also should determine whether any cases that are in the third wave will need to be moved to the fourth wave. The parties then should establish a discovery schedule for the second wave cases; the discovery deadlines for the third wave will then be 90 days later than those for the second wave, etc. The parties shall report their progress on this issue at the next conference call, which is scheduled for **Friday, June 7, 2002, at 10:00 a.m.**

ENTERED this _____ day of June 2002.

V. Sue Shields
United States Magistrate Judge
Southern District of Indiana

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